

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT CLEVELAND MITCHELL, III,

Plaintiff,

Case No. 1:07-cv-92

v.

Hon. Janet T. Neff

PATRICIA L. CARUSO, et al.,

Defendants.

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**ORDER APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed August 24, 2009, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that Defendants' Motion for Summary Judgment (Dkt. #68 and Dkt. #72) are **GRANTED**.

**IT IS FURTHER ORDERED** that plaintiff's complaint is **DISMISSED** for the reasons stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that upon review of Plaintiff's claims, this Court can discern no good-faith basis for an appeal and so certifies in accordance with *McGore v. Wigglesworth*, 114 F.3d 601, 611 (6<sup>th</sup> Cir. 1997).

Dated: October 1, 2009

/s/Janet T. Neff

JANET T. NEFF

UNITED STATES DISTRICT JUDGE